

$$\begin{aligned}
 &= \frac{(\text{Manufacturer's Light Truck Production for Applicable Model Year})}{\sum_i \left(\frac{\text{Group}_i \text{ Production}}{\text{Group}_i \text{ Target Standard}} + \frac{\text{Group}_{i+1} \text{ Production}}{\text{Group}_{i+1} \text{ Target Standard}} + \dots + \frac{\text{Group}_{11} \text{ Production}}{\text{Group}_{11} \text{ Target Standard}} \right)} \\
 &= \frac{(6,700)}{\left(\frac{800}{27.80} + \frac{200}{27.44} + \frac{800}{28.79} + \frac{400}{28.79} + \frac{400}{22.27} + \frac{400}{28.79} + \frac{500}{28.79} + \frac{500}{28.68} + \frac{1600}{28.76} + \frac{800}{22.27} + \frac{800}{22.27} \right)} \\
 &= 23.7 \text{ mpg}
 \end{aligned}$$

APPENDIX FIGURE 2—CALCULATION OF MANUFACTURER X'S ACTUAL FLEET AVERAGE FUEL ECONOMY PERFORMANCE LEVEL USING TABLE I

Fleet average fuel economy performance =

$$\begin{aligned}
 &= \frac{(\text{Manufacturer's Light Truck Production for Applicable Model Year})}{\sum_i \left(\frac{\text{Group}_i \text{ Production}}{\text{Group}_i \text{ Performance}} + \frac{\text{Group}_2 \text{ Production}}{\text{Group}_2 \text{ Performance}} + \dots + \frac{\text{Group}_{11} \text{ Production}}{\text{Group}_{11} \text{ Performance}} \right)} \\
 &= \frac{(27,500)}{\left(\frac{1500}{14.0} + \frac{2000}{34.5} + \frac{2000}{33.8} + \frac{1000}{34.4} + \frac{8000}{32.9} + \frac{8000}{32.2} + \frac{2000}{35.1} + \frac{5000}{30.6} + \frac{3000}{28.5} \right)} \\
 &= 23.3 \text{ mpg}
 \end{aligned}$$

NOTE TO APPENDIX FIGURE 2: Since the actual fleet average fuel economy performance of Manufacturer X's fleet is 23.3 mpg, as compared to its required fleet fuel economy standard of 23.7 mpg, Manufacturer X did not comply with the CAFE standard for MY 2012 as set forth in § 533.5(i).

[77 FR 63196, Oct. 15, 2012]

PART 534—RIGHTS AND RESPONSIBILITIES OF MANUFACTURERS IN THE CONTEXT OF CHANGES IN CORPORATE RELATIONSHIPS

Sec.

534.1 Scope.

534.2 Applicability.

534.3 Definitions.

534.4 Successors and predecessors.

534.5 Manufacturers within control relationships.

534.6 Reporting corporate transactions.

534.7 Situations not directly addressed by this part.

AUTHORITY: 49 U.S.C. 32901; delegation of authority at 49 CFR 1.50.

SOURCE: 69 FR 77671, Dec. 28, 2004, unless otherwise noted.

§ 534.1 Scope.

This part defines the rights and responsibilities of manufacturers in the context of changes in corporate relationships for purposes of the fuel economy and fuel consumption programs established by 49 U.S.C. chapter 329.

[76 FR 57492, Sept. 15, 2011]

§ 534.2 Applicability.

This part applies to manufacturers of passenger automobiles, light trucks, heavy-duty vehicles and the engines

manufactured for use in heavy-duty vehicles as defined in 49 CFR part 523.

[76 FR 57492, Sept. 15, 2011]

§ 534.3 Definitions.

(a) *Statutory definitions and terms.* All terms used in 49 U.S.C. Chapter 329 are used according to their statutory meaning.

(b) As used in this part—

“Control relationship” means the relationship that exists between manufacturers that control, are controlled by, or are under common control with, one or more other manufacturers.

“Predecessor” means a manufacturer whose rights have been vested in and whose burdens have been assumed by another manufacturer.

“Successor” means a manufacturer that has become vested with the rights and assumed the burdens of another manufacturer.

§ 534.4 Successors and predecessors.

For purposes of the fuel economy and fuel consumption programs, “manufacturer” includes “predecessors” and “successors” to the extent specified in this section.

(a) Successors are responsible for any civil penalties that arise out of fuel economy and fuel consumption shortfalls incurred and not satisfied by predecessors.

(b) If one manufacturer has become the successor of another manufacturer during a model year, all of the vehicles or engines produced by those manufacturers during the model year are treated as though they were manufactured by the same manufacturer. A manufacturer is considered to have become the successor of another manufacturer during a model year if it is the successor on September 30 of the corresponding calendar year and was not the successor for the preceding model year.

(c)(1) For passenger automobiles and light trucks, fuel economy credits earned by a predecessor before or during model year 2007 may be used by a successor, subject to the availability of credits and the general three-year restriction on carrying credits forward and the general three-year restriction on carrying credits backward. Fuel economy credits earned by a predecessor after model year 2007 may be

used by a successor, subject to the availability of credits and the general five-year restriction on carrying credits forward and the general three-year restriction on carrying credits backward.

(2) For heavy-duty vehicles and heavy-duty vehicle engines, available fuel consumption credits earned by a predecessor after model year 2015, and in model years 2013, 2014 and 2015 if a manufacturer voluntarily complies in those model years, may be used by a successor, subject to the availability of credits and the general five-year restriction on carrying credits forward and the general three year restriction on carrying credits backward.

(d)(1) For passenger automobiles and light trucks, fuel economy credits earned by a successor before or during model year 2007 may be used to offset a predecessor's shortfall, subject to the availability of credits and the general three-year restriction on carrying credits forward and the general three-year restriction on carrying credits backward. Credits earned by a successor after model year 2007 may be used to offset a predecessor's shortfall, subject to the availability of credits and the general five-year restriction on carrying credits forward and the general three-year restriction on carrying credits backward.

(2) For heavy-duty vehicles and heavy-duty vehicle engines, available credits earned by a successor after model year 2015, and in model years 2013, 2014 and 2015, if a manufacturer voluntarily complies in those model years, may be used by a predecessor subject to the availability of credits and the general five-year restriction on carrying credits forward and the general three year restriction on carrying credits backward.

[76 FR 57492, Sept. 15, 2011]

§ 534.5 Manufacturers within control relationships.

(a) If a civil penalty arises out of a fuel economy or fuel consumption shortfall incurred by a group of manufacturers within a control relationship, each manufacturer within that group is jointly and severally liable for the civil penalty.